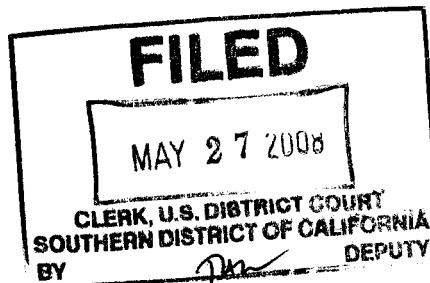


BUSA



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8468

UNITED STATES OF AMERICA,

Magistrate Case No.:

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 8, U.S.C., § 1326

Melvin LUE-Lopez

Deported Alien Found in

the United States (Felony)

Defendant.

The undersigned complainant being duly sworn states:

That on or about May 24, 2008, within the Southern District of California, defendant Melvin LUE-Lopez, an alien, who previously had been excluded, deported or removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27TH

DAY OF MAY 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

I, Senior Border Patrol Agent Michael Mikushi declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the investigating Border Patrol Agent S. Dillon, that the defendant, Melvin LUE-Lopez, a native and citizen of Mexico was found and arrested on or about May 24, 2008 approximately (22) twenty-two miles west of Calexico, California.

At approximately 3:00 p.m. while performing his assigned Border Patrol duties Agent R. Gifberg encountered one individual, later identified as Melvin LUE-Lopez, north of the International Boundary with Mexico. As Agent Gifberg approached LUE he identified himself and questioned LUE. It was determined LUE is a citizen of Mexico illegally in the United States. LUE was arrested and transported to the Imperial California Border Patrol Station.

At the station a record check of LUE revealed he was previously ordered removed on 8/12/1997. A further record check revealed LUE has a serious criminal history.

LUE was read his rights per Miranda and stated he understood his rights. LUE stated he was willing to speak with agents without an attorney present. When asked if he had any documents to be in the United States legally, he replied "No." When asked if he had ever been deported before LUE replied "Yes, six times and he was most recently released from jail." When asked if he had ever sought permission to re-enter the United States from the Attorney General or the Secretary of Homeland Security, LUE replied that he had not.

Executed on May 25, 2008, at 12:00 PM.


Michael Mikushi
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on May 24, 2008 in violation of Title 8, United States Code, 1326


Honorable Jan M. Adler
United States Magistrate Judge

5/25/08 @ 3:34 PM
Date/Time